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Notice of Allowability	Application No.	Applicant(s)	
	10/785,558	HULSE, GEORGE R.	
	Examiner	Art Unit	
	Jacob Y. Choi	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/22/2005.
2. ☒ The allowed claim(s) is/are 16, 17, 19 and 21-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

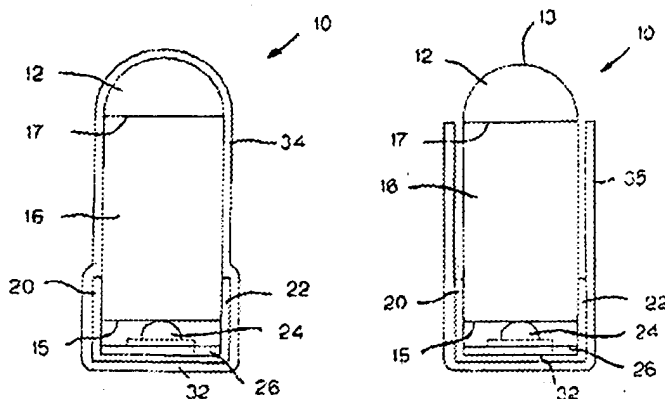
- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>11/22/2005</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance:

Claims 16 & 19 recite an illumination device comprising the optical waveguide has an elongated rod shape and that the light source is a multiplicity of spaced point light sources positioned adjacent to and arranged in a line extending along the light receiving surface of the waveguide, and furthermore, a protective shield applied to and encapsulating the waveguide, housing, and scattering cap or a protective sleeve that encases the entire illumination device, except for the lateral surface of the scattering cap.



Because none of the references disclose the detailed structure of the protective sleeve or protective shield, nor is there any motivation to combine them, the claims are deemed patentable over prior art of record.

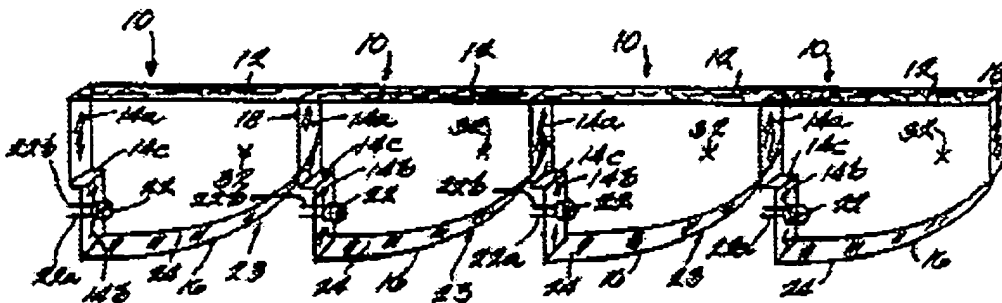
Grenda et al. (USPN 6,948,840) teaches an optical waveguide (e.g., 10) with an elongated rod shape and having a predetermined length with a light-receiving surface

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(bottom surface) and a light emitting surface (upper surface), a multiplicity of spaced point light sources (22) positioned adjacent to and arranged in a line extending along the light-receiving surface of the waveguide, and a scattering cap (e.g., column 2, lines 40-50; *"output surface 12 is either clear or has a diffusive reflector or diffuser formed integral therewith"*) secured to the light-emitting surface of the waveguide and extending substantially along the length of the waveguide, the scattering cap receiving light transmitted through the waveguide from the light source through total internal reflection (e.g., column 2, lines 50-60; *a translucent wave guide 20 ... it has a high total internal reflection such that there is a large difference of the index of refraction between light guide's boundaries and the surrounding medium ... etc."*) and scattering the light to create a substantially uniform intensity pattern along a lateral surface of the scattering cap, a housing (e.g., 132, 134) positioned adjacent to the waveguide and enclosing the light-receiving surface of the waveguide, the elongated light source (22) is also enclosed within the housing, the point light sources are light-emitting diodes (LEDs), the housing includes a pair of sidewalls (e.g., 132, 134; column 6, lines 1-20) engaging side surfaces of the waveguide and defining an open-ended channel that extends substantially the predetermined length of the waveguide, the housing further includes a floor portion (e.g., 140) connecting the sidewalls so that the housing has a substantially

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U-shape.



Claims 16, 17, 19 and 21-28 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Amendment

2. Examiner acknowledges, proposed amendment filed on 11/28/2005, that the applicant has claims 16 and 19 are amended, claims 1-15, 18 and 20 are canceled and added claims 21-28. Claims 16, 17, 19, 21-28 are pending in the present application.

Response to Arguments

3. Applicant's arguments, see pages 8-13, filed 9/19/2005, with respect to claim(s) 1-3, 5-6, 9-10, 12-17 have been fully considered and are persuasive. The *claims rejections under 35 USC § 102 & 35 USC § 103* of 8/8/2005 has been withdrawn.

Conclusion

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4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Steen et al. (USP 2005/0169002) – center high mounted stop lamp including LEDs and TIR lens

Pelka et al. (USPN 6,637,924) – strip lighting apparatus and method

Yamama et al. (USPN 5,418,384) – light-source device including a linear array of LEDs

Cleaver et al. (USPN 6,953,262) – illumination device for simulation of neon light

Cleaver et al. (US 2005/0231950) – illumination device for simulation of neon light


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y. Choi whose telephone number is (571) 272-2367. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC



JOHN ANTHONY WARD
PRIMARY EXAMINER